REMARKS

Claim 12 is amended; and as a result, claims 1-16 are pending in the above-identified patent application.

§102 Rejection of the Claims

Claims 1-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Morrison *et al.* (U.S. 6,601,165). Applicant does not admit that Morrison *et al.* is prior art and reserves the right, as provided for under 37 C.F.R. 1.131, to "swear behind" Morrison *et al.* Applicant respectfully traverses the rejection of claims 1-16.

Claim 1 recites, "testing the bootstrap processor to verify that it will run BIOS code." In contrast, Morrison *et al.* in the abstract states, "The apparatus attempts a cold reset of the system, during which each processor performs a built-in self test." Thus, it appears that Morrison *et al.* fails to teach "testing the bootstrap processor to verify that it will run BIOS code." Further, the Office action fails to cite to columns or lines in Morrison *et al.* that teach "testing the bootstrap processor to verify that it will run BIOS code." In addition, applicant's representative has studied Morrison *et al.* and it appears to applicant's representative that Morrison *et al.* does not teach "testing the bootstrap processor to verify that it will run BIOS code." Thus, Morrison *et al.* fails to teach each of the elements of claim 1. Hence the Office action fails to state a *prima facie* case of anticipation with respect to claim 1. Therefore, applicant requests withdrawal of the rejection and reconsideration and allowance of claim 1.

Claims 2-5 are dependent on claim 1. For reasons analogous to those stated above and elements in the claims, applicant respectfully submits that the Office action fails to state a *prima facie* case of anticipation with respect to claims 2-5. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 2-5.

Claims 6 and 12 recite, "a latch for turning off said bootstrap processor." The Office action, in paragraph 3 cites to the abstract and column 1, line 44, through column 2, line 15, as teaching "a latch for turning off said bootstrap processor." Applicant's representative has studied Morrison *et al.* including the abstract and column 1, line 44, through column 2, line 15, and respectfully submits that Morrison *et al.* does not teach "a latch for turning off said bootstrap processor," as recited in claims 6 and 12. And with respect to bootstrap processors, Morrison *et*

al., in the abstract, teaches, "The apparatus selects a boot strap processor to perform a warm reset, during which an failed processors are tristated using a flush command." And with respect to bootstrap processors, at column 1, lines 65-67, and column 2, lines 1-2, Morrison *et al.* teaches, "The method further includes attempting to identify one of the node-boot strap processors as a system boot-strap processor and using the system-boot strap processor to perform a warm reset of the plurality of processors in each of the nodes." Thus, although Morrison *et al.* references bootstrap processors, Morrison *et al.* fails to teach "a latch for turning off said bootstrap processor." Hence, Office action fails to state a *prima facie* case of anticipation with respect to claims 6 and 12. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 6 and 12.

Claims 7-11 are dependent on claim 6. Claims 13-16 are dependent on claim 12. For reasons analogous to those stated above and elements in the claims, applicant respectfully submits that the Office action fails to state a *prima facie* case of anticipation with respect to claims 7-11 and claims 13-16. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 7-11 and 13-16.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the above-identified patent application.

If necessary, please charge any additional fees or credit any overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SON H. LAM

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Attorneys for Intel Corporation
P.O. Box 2938
Minneapolis, Minnesota 55402
612-371-2109

Date July 6, 2004

By _____
Danny J. Padys
Reg. No. 35,635

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of July, 2004.

ANNE M. RICHARDS

Name

Signature